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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/058,693 | 01/28/2002 | Darryl Richard Schick | 122185.100B | 4085 |
| 26119 | 7590 | 10/18/2005 | EXAMINER | |
| KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204 | | | RAHMJOO, MANUCHER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2676 | |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,693

Applicant(s)

SCHICK ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of Mastronardi (US PUB 2002/0126141).

As per claims 1, 6, 11 and 32 Geigel teaches Inputting a group of images for which corresponding image files are available see for example page 5 paragraph [0077] for the inputting collection of images that are placed in an album; and displaying, to the user, a group of images for which corresponding image files are available see for example figure 1 and page 5 paragraph [0077] through the use of album pages; and receiving user input from the user by which the user selects one or more images from the group see for example page 1 paragraph [0010] for assigning image objects to a page based on user preferences and page 3 paragraph [0056] for the user specified preferences; and prompting the user to select a plurality of images from the group see

for example page 1 paragraph [0010] for selection based on user preferences; and prompting the user to save the selected as an album of images see for example figure 1 and page 3 paragraph [0056]; and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078]; and making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example page 4 paragraph [0061]; and saving, to the storage medium, the compressed image file copies that correspond to the selected images see for example figure 1 module 56 and page 3 paragraph [0057]; and making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19-22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

However, Geigel does not teach compressing the image file copies.

Mastronardi teaches compressing the image file copies see for example page 1 paragraphs [0004] and [0014].

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings to provide bulk memory representing an image and therefore provide a process for making a selecting on a audiovisual reproduction system using user friendly on screen windows see for example page 1 paragraph [0008].

As per claims 2, and 12 Geigel teaches making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

As per claims 3, 8, and 13 Geigel teaches automatically resize the one or more image file copies so that the one or more selected images, when displayed, will have a resolution not exceeding a resolution (system parameters such as resolution for albuming situations) required for optimal viewing on a standard display see for example figure 7 and page 4 paragraph [0064] wherein scaling is done through image placement module 132 and page 6 paragraph [0087].

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more modifications to any of the selected images see for example page 1 paragraph [0010] wherein user implements preferences to images; and automatically adjust one or more of the image file copies to include one or more modifications see for example page 3 paragraph [0054] and page 4 paragraphs [0059- 0061] wherein automatic page distribution and duplicate detection is performed; and in the saving step, ensuring that the adjusted image file copies are saved as compressed adjusted image file copies see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of the system by a particular user is done through implementation of user preferences

through album automation system and page 4 paragraph [0059] wherein a page layout algorithm must distribute the images amongst a set of pages and then layout the images on each individual page which corresponds to adjusted image file copies as being saved as compressed adjusted image file copies on each individual page.

As per claims 5, and 10 Geigel teaches saving, to the storage medium, a file that contains parameters of the album, wherein the file allows a user to automatically recreate the image album for further duplication or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein implementation of user preferences is done through album automation system which can be repeated by subsequent use of the system and the output can be produced on variety of photo delivery media e.g. picture CD media.

As per claim 15 Geigel saving, to the storage medium, a link that allows a user to view the image files that are stored on the storage medium as an album of images see for example claim 2 on page 12.

Response to Arguments

Applicant's arguments filed 09/15/2005 have been fully considered but they are not persuasive.

As per applicant's remarks on page 7, applicant recites "claims..., and 32 (as previous claim 7) should be allowable...".

Examiner believes it is the combination of current claim 6 and cancelled claim 7 which is being presented as new claim 32.

As per applicant's remarks on page 7, applicant argues "paragraph [0078] describes definition of the fitness function as the most important implementation task of Geigel system an approach whereby the fitness is determined directly by the user's visual evaluation" and later in the same paragraph recites "specifying or refining graphic design parameter preferences for a page (but not constituent images) leads away from the language of claims 1, 6 and 11".

Examiner respectfully disagrees.

Geigel teaches an automated technique AAS (Albuming Automation System). It is known that said automated technique was developed by a user. Therefore, if a computer can perform automated selection and implementation of numerous steps, then a user can perform said steps as well due to the fact that said user created the software for performing said steps. Paragraph [0078] further supports examiner's reasoning behind said analogy.

As to the broadest reasonable interpretation by examiner, Geigle clearly teaches the data is derived from actual user images corresponding to user selected image see for example page 8 paragraph [0112] (prompting the user to select images to be included in an album) which are based on the preference parameter values obtained directly by asking the user when the pictures are input for album processing which are later stored as user profile and can be extracted see for example page 6 paragraph [0085].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,714,209 teaches inputting a group of images for which corresponding image files are available see for example fig. 5 and fig. 6 block 620 and claim 1; and displaying, to the user, a group of images for which corresponding image files are available see for example fig. 1- 2 and 5 and column 13 lines 8- 10; and receiving user input from the user by which the user selects one or more images from the group see for example fig. 5 and column 13 lines 10- 15 and fig. 6 block 620; and prompting the user to select a plurality of images from the group see for example fig. 5 and column 11 line 20; and prompting the user to save the selected as an album of images see for example column 11 line 21 for storing (burning); and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example column 11 lines 18- 20 for the user definition to XML; and making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example fig. 2, 5 and claim 17; and compressing and saving, to the storage medium, the compressed image file copies that correspond to the selected images see for example column 11 lines 15- 25 and fig. 5- 6.

Inquiry

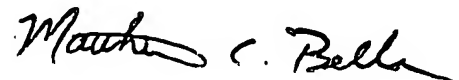
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872- 9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4357.

Mike Rahmjoo

September 29, 2005



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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